Single Bench

C.F. (100)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. NO. 3960 /2004

PETITIONER : DINESH CHANDRA Malviya

S/oShriLateBhagirath Malviya aged about 34 Years occupation –Anurekhak,Revenue Department r/o Surguja Tahshil&District Surjguja (C.G.)

P.R. No. 3956/04
Presented by Shri Alok Dubey
dated 6/10/04

VERSUS

RESPONDENTS :

1. The State of C.G. Through the Secretary of Department of Revenue D.K.S. Bhawan, Raipur (C.G.)
2. CollectorSurguja (C.G.)
3. Shri Bindeshwari Prajapati, Anurekhak,postedat O/Ocollector Land Records,Baikuntpur,District Korea.

6/10/04

18.10.04

WRIT PETITON UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS CERTIORARI ETC OR ANY OTHER DIRCTIONS OR ORDER TO DO JUSTICE IN THE MATTER

1. PARTICULARS OF THE PETITIONER :

As stated in the cause title above.

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.3960 OF 2004

Petitioner : Dinesh Chandra Malviya

versus

Respondents : The State of C.G. and others

Present : Mrs. Renu Kochar, counsel for the petitioner.
Ms. Deepali Pandey, Panel Lawyer for the State/respondents No.1 and 2.
None appears for respondent No.3.

ORDER

(Passed on 22nd Day of February, 2007)

The petitioner, while working as Anurekhak in Revenue Department at Ambikapur, District Surguja has been transferred in the same capacity to Baikunthpur, District Korea of the said department, vide order dated 8-10-2004 (P-1).

2. No stay order was granted by this Court in this matter. The transfer order must have been executed by the respondents.

3. Be that as it may, with the passage of time, this petition has become infructuous as period of transfer is not applicable forever. At this point of time, there is no question to examine the validity of the impugned transfer order. However, the respondents are at liberty to

pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decided as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved *mala fide*, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, the writ petition stands disposed of.

No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal